



PLANNING DEPARTMENT
215 SOUTH 4TH STREET; SUITE F
HAMILTON, MT 59840
PHONE 406.375.6530
FAX 406.375.6531
planning@ravallicounty.mt.gov

FREQUENTLY ASKED QUESTIONS ABOUT ZONING

1. What is zoning?

Zoning is the classification of land into districts. The purpose of zoning is to regulate the use of land for such things as use, design standards and density. Montana state law establishes the procedures that must be followed to implement zoning in Title 76, Chapter 2, Part 2, MCA. The implementation of zoning regulations consists of two parts; 1) Written text (called a zoning resolution) that sets forth the regulations applicable to each zoning district, and 2) A zoning map which shows the boundaries of the various zoning districts. Zoning regulations can be implemented to protect and promote the health safety and general welfare of the public. Zoning is the primary means of trying to ensure that different land uses and densities or intensities of development are compatible with each other.

2. What is the relationship between zoning regulations and a growth policy?

Zoning regulations are one tool that can be utilized by a community to implement the goals and objectives of their growth policy. Other implementation tools in Ravalli County include neighborhood plans, the master parks and recreation plan, subdivision regulations, open lands program, voluntary zoning districts, etc. Zoning regulations are required to be substantially compliant with the provisions of the growth policy. If amendments to the Ravalli County Growth Policy are required to implement countywide zoning in Ravalli County, these amendments will be identified and processed as part of the countywide zoning project.

3. How will commercial design standards, streamside setbacks, highway corridor design standards, landscaping requirements or any other zoning regulations desired in a particular area or by an unincorporated community be addressed?

The work plan for the countywide zoning project identifies two key phases for this project: The first phase is to implement countywide zoning that addresses density, use, heights and setbacks. Phase II is proposed to address other design and development standards desired in the County, such as streamside setbacks, highway corridor design standards, etc. For the most part, Phase II zoning projects will be lower priority projects than Phase I zoning and will be initiated following the completion of Phase I.

4. Under this plan for zoning, who will decide what zoning districts boundaries and zoning designations are assigned to the different areas within each school district?

Planning committees and community members in each school district will work with assistance from the Planning Board and Planning Department to develop zoning district

boundaries. A final recommendation on the zoning district boundaries and zoning map will be made by the Planning Board and final approval will rest with the Board of County Commissioners.

5. What kind of data will be used to assist in assigning zoning districts?

Existing data regarding development constraints (steep slopes, floodplain, etc.) and accessibility of infrastructure will be used to help determine suitability of land uses and density of development in different areas of the County. For example, data on infrastructure and capacity should be used to determine the suitability and associated districts for high density development.

6. Will uses be strictly separated into different zoning districts?

Normally incompatible land uses such as dense residential, commercial and agricultural will be separated. However, in some circumstances, it may be desirable to have mixed uses in a particular district. For example, a home next to a commercial enterprise, both on a single parcel or a small convenience store in a residential neighborhood.

7. Where will the densest zoning districts be located?

Generally, the densest residential zoning districts should be in towns or hamlets and located close to where infrastructure (water, sewer, schools, roads) already exists or ought to exist.

8. What if I want to use my land in a way that is not allowed by the zone?

Zoning may not always be flexible enough to meet all the desires of residents. Exceptions may be made to allow for other land uses not specified by the code. There are three basic categories for exceptions to a zone: a variance, a conditional use and a non-conforming use.

9. What is a variance and when will I need one?

A variance is a relaxation of zoning regulations by the zoning board of adjustment, usually at the request of a property owner. Variances are requested when the applicant feels that a strict application of the regulations creates an undue hardship. Keep in mind that the regulations are presumed to be correct, so a request for a variance must include a statement clearly defining how the regulations cause this undue hardship.

10. What is a conditional use?

Each zoning district has a list of uses that are permitted within that district classification. However, there are certain uses that may be more intensive or beyond the intent of those permitted uses. These will be listed as conditional uses. An example of a conditional use might be a nursery school operating in a residence on a lot in an area that is zoned for only residential use. A conditional use requires a higher level of review than a permitted use.

11. What does the term “non-conforming” mean and when does it apply?

A non-conforming situation exists when there is a lot, structure, or use that existed prior to the enactment of the zoning regulations and was in compliance with the prior regulations (if any), but is not in compliance with the new zoning regulations. Typically, non-conforming

situations are “grandfathered” and allowed to continue. Many jurisdictions allow non-conforming structures and uses to continue unless they cease to exist for a period of time, after which any new use or structure may be required to meet the applicable zoning regulations. How non-conforming situations are proposed to be dealt with in Ravalli County is currently under consideration by the Land Use Subcommittee of the Planning Board.

12. What if I have an existing legal lot – can I build on it?

A currently existing vacant buildable lot may have a dwelling built on it, provided zoning regulations (except possibly density/lot size) are met. There may be other regulations, that will also have to be followed, such as those related to health and public safety. How non-conforming lots are proposed to be dealt with in Ravalli County is currently under consideration by the Land Use Subcommittee of the Planning Board.

13. Will property boundaries always be used in determining the boundaries of a zoning district?

In applying land density and use, the preference will be to use existing parcel and natural boundaries. However, there may be situations in which this is not feasible. For example, a large parcel may accommodate agricultural, residential, and commercial zoning districts.

14. If all zoning regulations are met, does this confer an automatic right to build?

No, satisfying all zoning regulations does not confer an automatic right to construct or use; other regulations may also need to be followed.

15. What if I want to further subdivide my parcel?

No division of an existing parcel will be allowed that results in a lot that does not conform to the zoning regulations for its zoning district.

16. Will some lots be non-buildable?

Yes, it is possible that parcels may exist upon which no building can occur. These could be due to such limitations as floodplain, terrain, high ground water, public safety issues, etc.

17. Will I be able to operate a home-based business or office in my home?

Yes, if it is an accessory use and is compatible in size and scope with a residential setting and would not be considered a heavy industry. Home occupations should not typically change the outside appearance of the premises, generate additional traffic, require a parking area and produce offensive noise, vibration, smoke, dust, odors, heat or glare. Under certain circumstance home occupations may be required to be reviewed as conditional uses.

18. Will second homes be allowed on a parcel?

An auxiliary dwelling unit (a.k.a., granny flat, mother-in-law apartment, etc.) is an additional residential unit that can be a room addition, a detached structure, a mobile home or motor home that may be allowed in certain zoning districts. A second home cannot be subdivided to create a separate lot without going through the subdivision review process.

19. What is a Planned Unit Development (PUD)?

A Planned Unit Development (PUD) is a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use. (Source: 76-3-103, MCA.) Both subdivision regulations and zoning regulations can include provisions for PUDs that provide for flexible land use and design regulations, while encouraging the preservation and enhancement of the physical characteristics of the site. A zoning PUD will typically be utilized for innovative, progressive planning and site design techniques and methods to allow a mixture of land uses, densities, setbacks and building heights. A PUD encourages the unique development or redevelopment of an area through a flexible, timely and efficient process, but it requires a higher level of review than a permitted use within a zoning district.

20. Will some districts allow for the development of manufactured homes?

Yes, manufactured housing will be addressed in the regulations.

21. Will affordable housing be addressed in the zoning regulations?

Provisions for affordable housing are being considered in the development of proposed regulations.

22. How will the county permit and enforce zoning regulations?

A zoning compliance permit program is proposed as part of the zoning regulations to allow for review of development proposals against the zoning regulations. Fees paid with permits will pay for program administration. As part of the countywide zoning project, the County will be required to develop a zoning enforcement program and the scope of that program will depend on the regulations that are adopted.